

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 L-02 SSO-00 NSCE-00 INRE-00 AEC-05

AID-05 CEA-01 CIAE-00 CIEP-01 COME-00 DODE-00 EB-07

FEAE-00 FPC-01 H-01 INR-05 INT-05 NSAE-00 NSC-05

OMB-01 PM-03 RSC-01 SAM-01 OES-03 SP-02 SS-15 STR-01

TRSE-00 FRB-01 EURE-00 EA-06 IO-10 NEA-06 OPIC-03

LAB-04 SIL-01 SWF-01 /110 W
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FM USMISSION OECD PARIS

TO SECSTATE WASH DC IMMEDIATE 4669

C O N F I D E N T I A L SECTION 01 OF 02 OECD PARIS 29499

E.O. 11652: GDS

TAGS: ENRG, OECD

SUBJECT: DRAFT IEP LEGISLATION

FOR L (ROSEN) FROM HOPKINS

FOLLOWING ARE MY COMMENTS ON FEA DRAFT LEGISLATION:

1. GENERAL - AM NOT SURE I AGREE WITH DECISION NOT TO FOLLOW FORM JACKSON BILL. IN ANY EVENT, THIS IS A POLITICAL QUESTION WHICH SHOULD BE RESOLVED IN ERC.
2. SELF-SUFFICIENCY - I THINK IT IS A GREAT MISTAKE NOT TO LEGISLATE NOW ON USG STOCKPILES, FUEL SWITCHING AND STAND-BY PRODUCTION. THIS SHOULD ALSO BE RESOLVED IN ERC, BUT I WOULD STRONGLY URGE REINSERTION OF DOS DRAFT SECTIONS 105(A); 105(B)(1) - (5); 105(B)(6)(B) AND (C); 105(C); AND 105(D).
3. ALLOCATION - ADMINISTRATOR MUST BE REQUIRED, NOT MERELY PERMITTED, TO EFFECT DEMAND RESTRAINTS. SECTION

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105(A), LINE 9 CHANGE "MAY PROVIDE THROUGH" TO "IS

AUTHORIZED AND DIRECTED TO INITIATE AND MAINTAIN SUCH MEASURES AS MAY BE NECESSARY TO FULFILL THE OBLIGATIONS OF THE UNITED STATES UNDER THE INTERNATIONAL AGREEMENT, INCLUDING".

4. INTERNATIONAL ALLOCATION - FOR SAME REASONS AS IN POINT 3, IN SECTION 106(B), LINE 4, CHANGE "MAY" TO IS AUTHORIZED AND DIRECTED TO."

5. LONG-TERM COOPERATION - WE NEED MUCH STRONGER AUTHORIZATION. URGE REINSERTION DOS DRAFT SECTION 107.

6. FACTORS TO BE OBSERVED - IT MIGHT AVOID PROBLEMS ON THE HILL IF DOS DRAFT SECTION 108 WERE REINSERTED.

7. IMMUNITIES - STRONGLY URGE FOLLOWING CHANGES IN SECTION 107:

PARA (A), LINE 5 - CHANGE "NECESSARY" TO "THE RESULT OF ACTION TAKEN".

PARA (C), LINE 4 - AFTER "PURPOSE OF" ADD

"COMPLYING WITH THE PROVISION OF THIS ACT OR ANY RULE, REGULATION OR ORDER ISSUED UNDER THIS ACT OR MAKING OR".

PARA (D) - REWORD TO READ AS SET FORTH IN POINT 13 BELOW.

PARA (E), LINE 1 - CHANGE TO READ "ALL MEETINGS' CONFERENCES, COMMUNICATIONS OR AGREEMENTS AMONG".

PARA (E), LINE 4 - AFTER "HELD" INSERT "OR MADE".

PARA (E), LINE 5 - AFTER "PETROLEUM," INSERT

"OR MAKING OR CARRYING OUT A VOLUNTARY AGREEMENT PURSUANT TO PARAGRAPH (B), OR OTHERWISE COMPLYING WITH THE PROVISIONS OF THIS ACT OR ANY RULE, REGULATION OR ORDER ISSUED UNDER THIS ACT,"

8. COLLECTION OF INFORMATION - AUTHORITY OF FEA ACT MUST BE EXTENDED; REINSERT DOS DRAFT SECTION 111(B).

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C O N F I D E N T I A L SECTION 02 OF 02 OECD PARIS 29499

9. EXCHANGE OF INFORMATION SECTION 109(B) - STRONGLY
URGE CHANGE ALL AFTER WOULD IN LINE 3 TO READ "RESULT
IN VIOLATIONS OF THE ANTITRUST LAWS.

10. ENFORCEMENT - SECTION 112(E) WOULD BE DISASTROUS
BY GIVING ANY THIRD PARTY THE RIGHT TO CHALLENGE EVERY
IEP ACTION. IF ANYTHING, THIS SHOULD BE EXPRESSLY
DENIED. THIS TYPE OF THIRD-PARTY ENFORCEMENT IS
ENTIRELY UNNECESSARY IN THIS CONTEXT. SECURITIES AND
ANTITRUST LAWS ARE NO ANALOGY.

11. APPROPRIATIONS - SECTION 113 SHOULD INCLUDE A
SPECIFIC APPROPRIATION TO DOS FOR FISCAL 1975.

12. OTHER TEXTUAL SUGGESTIONS.

A) SECTION 102, INSERT FINDINGS FROM DOS DRAFT.

B) SECTION 103(7)(A) - ADD "AND NATURAL GAS

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LIQUIDS".

13. (D) WHENEVER, FOR THE PURPOSE OF COMPLYING WITH
THE PROVISIONS OF THIS ACT OR ANY REGULATIONS OR ORDERS
ISSUED UNDER THIS ACT, OR MAKING OR CARRYING OUT A
VOLUNTARY AGREEMENT UNDER THIS ACT OWNERS, DIRECTORS,
OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES OF TWO OR
MORE PERSONS ENGAGED IN THE BUSINESS OF PRODUCING,

REFINING, MARKETING, OR DISTRIBUTING PETROLEUM MEET, CONFER, COMMUNICATE OR AGREE IN SUCH A FASHION AS MIGHT OTHERWISE BE CONSTRUED TO CONSTITUTE A VIOLATION OF THE ANTITRUST LAWS, SUCH PERSONS MAY DO SO PURSUANT TO AN ORDER OF THE ADMINISTRATOR WHICH ORDER SHALL SPECIFY AND LIMIT THE SUBJECT MATTER AND OBJECTIVES OF SUCH MEETING, CONFERENCE' OR COMMUNICATIONS. MOREOVER, FULL NOTES OR MINUTES OF SUCH MEETING, CONFERENCE, OR COMMUNICATION SHALL BE TAKEN AND DEPOSITED, TOGETHER WITH A COPY OF ANY AGREEMENT RESULTING THEREFROM, WITH THE ATTORNEY GENERAL.
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